

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ROBERT J. DAVIES,	:	
	:	
Plaintiff,	:	Case No. 05-CV-1569
	:	
v.	:	
	:	
JOANNE B. BARNHART,	:	Judge McClure
Commissioner of Social Security,	:	Magistrate Judge Mannion
	:	
Defendant.	:	

**O R D E R**

August 16, 2006

**BACKGROUND:**

On August 4, 2005, Robert J. Davies, commenced this civil action under 42 U.S.C. § 405(g), in order to obtain judicial review of the administrative decision by the Commissioner of Social Security that denied plaintiff's application for disability benefits. Plaintiff filed an application for benefits on the basis of depression and a tongue abnormality which was denied. After the application was denied plaintiff requested a hearing. On January 28, 2005, following the hearing, an ALJ issued an unfavorable decision. The Appeals Council denied plaintiff's request for review on June 9, 2005.

The matter was initially referred to Magistrate Judge Malachy E. Mannion.

On July 28, 2006, Magistrate Judge Mannion filed a 18-page report and recommendation recommending that the plaintiff's appeal from the decision of the Commissioner of Social Security be denied. No objections have been filed to the report and recommendation. We agree with the magistrate judge that substantial evidence supports the Commissioner's decision to deny plaintiff benefits.

**DISCUSSION:**

A district court reviews de novo those portions of a magistrate judge's report and recommendation to which a party objects. L.R. 72.3. The court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." Id.

Plaintiff has filed no objections to the magistrate judge's report and recommendation. The report and recommendation is carefully reasoned and addresses each of plaintiff's six arguments raised on appeal. We will not waste judicial resources by repeating the same.

**NOW, THEREFORE, IT IS HEREBY ORDERED THAT:**

1. The report and recommendation of United States Magistrate Judge Malachy E. Mannion (Rec. Doc. No. 12), is adopted in full for the reasons set forth therein.

2. The appeal from the decision of the Commissioner of Social Security is denied, and the action of the Commissioner is affirmed.

3. The clerk is directed to close the case file.

s/James F. McClure, Jr.  
James F. McClure, Jr.  
United States District Judge